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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 ELAINE NEISWENDER,

11 Plaintiff,

12 v.

13 BANK OF THE WEST, ROBERT O. BABA,
14 JR., CHRISTOPHER MC NEIL, DDS, and
DOES 1 to 10,

15 Defendants.

IC

CASE NO.

CASE NO. SCV 236538 (Sonoma County)

PROOF OF SERVICE RE:

NOTICE OF REMOVAL OF ACTION
PURSUANT TO 28 U.S.C. § 1441
FEDERAL QUESTION JURISDICTION

Complaint Filed: April 8, 2005
Trial Date: None Set

WDB

COPY UNPAID

PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am employed in the City and County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is: Two Embarcadero Center, 5th Floor, San Francisco, California 94111.

On May 12, 2005 I served the document(s) described as

1. Notice of Removal of Action Pursuant to 28 USC Section 1441 Federal Question Jurisdiction;
2. Declaration of Martin H. Orlick in Support of Defendant Bank of the West's Notice of Removal of Action Pursuant to 28 USC Section 1441 Federal Question Jurisdiction;
3. Notice to Adverse Party of Removal to Federal Court;

in this action by placing the true copies thereof enclosed in sealed envelopes addressed as follows:

**Nick V. Avtonomoff, Esq.
Law Office of Nick V. Avtonomoff
P.O. Box 2471
Mill Valley, CA 94942**

(BY MAIL) I am "readily familiar" with the firm's practice for collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY FAX) At _____, I transmitted, pursuant to Rules 2001 et seq., the above-described document by facsimile machine (which complied with Rule 2003(3)), to the above-listed fax number(s). The transmission originated from facsimile phone number (415) 398-5584 and was reported as complete and without error. The facsimile machine properly issued a transmission report, a copy of which is attached hereto.

(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

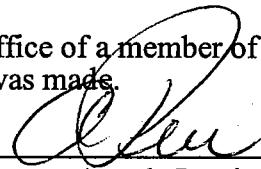
(BY OVERNIGHT DELIVERY) I caused said envelope(s) to be delivered overnight via an overnight delivery service in lieu of delivery by mail to the addressee(s).

Executed on May 12, 2005 at San Francisco, California.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



(FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.



Angela Pereira